

MESSAGE NO: 0140301 MESSAGE DATE: 05/20/2010

MESSAGE STATUS: Active CATEGORY: Countervailing
TYPE: ORD-Order PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE:

FR CITE: 75 FR 22842 FR CITE DATE: 04/30/2010

REFERENCE
MESSAGE #
(s):

CASE #(s): C-552-805

EFFECTIVE DATE: 04/30/2010 COURT CASE #:

PERIOD OF REVIEW: 01/01/2008 TO 12/31/2008

PERIOD COVERED: TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: COUNTERVAILING DUTY ORDER IN THE INVESTIGATION OF POLYETHYLENE
RETAIL CARRIER BAGS FROM THE SOCIALIST REPUBLIC OF VIETNAM

1. ON 05/04/2010, THE DEPARTMENT OF COMMERCE (COMMERCE) PUBLISHED IN THE FEDERAL REGISTER ITS COUNTERVAILING DUTY ORDER IN THE INVESTIGATION OF POLYETHYLENE RETAIL CARRIER BAGS FROM THE SOCIALIST REPUBLIC OF VIETNAM (VIETNAM) (75 FR 23670).

2. THE SCOPE OF THIS ORDER COVERS POLYETHYLENE RETAIL CARRIER BAGS (PRCBS), WHICH ALSO MAY BE REFERRED TO AS T-SHIRT SACKS, MERCHANDISE BAGS, GROCERY BAGS, OR CHECKOUT BAGS. THE SUBJECT MERCHANDISE IS DEFINED AS NON-SEALABLE SACKS AND BAGS WITH HANDLES (INCLUDING DRAWSTRINGS), WITHOUT ZIPPERS OR INTEGRAL EXTRUDED CLOSURES, WITH OR WITHOUT GUSSETS, WITH OR WITHOUT PRINTING, OF POLYETHYLENE FILM HAVING A THICKNESS NO GREATER THAN 0.035 INCH (0.889 MM) AND NO LESS THAN 0.00035 INCH (0.00889 MM), AND WITH NO LENGTH OR WIDTH SHORTER THAN 6 INCHES (15.24 CM) OR LONGER THAN 40 INCHES (101.6 CM). THE DEPTH OF THE BAG MAY BE SHORTER THAN 6 INCHES BUT NOT LONGER THAN 40 INCHES (101.6 CM).

PRCBS ARE TYPICALLY PROVIDED WITHOUT ANY CONSUMER PACKAGING AND FREE OF CHARGE BY RETAIL ESTABLISHMENTS, E.G., GROCERY, DRUG, CONVENIENCE, DEPARTMENT, SPECIALTY RETAIL, DISCOUNT STORES, AND RESTAURANTS TO THEIR CUSTOMERS TO PACKAGE AND CARRY THEIR PURCHASED PRODUCTS. THE SCOPE OF THIS ORDER EXCLUDES: (1) POLYETHYLENE BAGS THAT ARE NOT PRINTED WITH LOGOS OR STORE NAMES AND THAT ARE CLOSEABLE WITH DRAWSTRINGS MADE OF POLYETHYLENE FILM AND (2) POLYETHYLENE BAGS THAT ARE PACKED IN CONSUMER PACKAGING WITH PRINTING THAT REFERS TO SPECIFIC END-USES OTHER THAN PACKAGING AND CARRYING MERCHANDISE FROM RETAIL ESTABLISHMENTS, E.G., GARBAGE BAGS, LAWN BAGS, TRASH-CAN LINERS.

IMPORTS OF MERCHANDISE INCLUDED WITHIN THE SCOPE OF THIS ORDER ARE CURRENTLY CLASSIFIABLE UNDER STATISTICAL CATEGORY 3923.21.0085 OF THE

HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES (HTSUS). THIS SUBHEADING MAY ALSO COVER PRODUCTS THAT ARE OUTSIDE THE SCOPE OF THIS ORDER. FURTHERMORE, ALTHOUGH THE HTSUS SUBHEADING IS PROVIDED FOR CONVENIENCE AND CUSTOMS PURPOSES, THE WRITTEN DESCRIPTION OF THE SCOPE OF THIS ORDER IS DISPOSITIVE.

3. FOR FURTHER REPORTING PURPOSES THIS CASE HAS BEEN ASSIGNED INVESTIGATION NUMBER C-552-805.

4. THE U.S. INTERNATIONAL TRADE COMMISSION (ITC) NOTIFIED COMMERCE THAT IMPORTS OF PRCBS FROM VIETNAM THREATEN MATERIAL INJURY TO THE U.S. INDUSTRY. THE ITC DID NOT DETERMINE THAT MATERIAL INJURY WOULD HAVE BEEN FOUND ABSENT THE SUSPENSION OF LIQUIDATION. THEREFORE, COMMERCE WILL ISSUE SEPARATE INSTRUCTIONS TO U.S. CUSTOMS AND BORDER PROTECTION (CBP) TO TERMINATE SUSPENSION OF LIQUIDATION OF PRCBS FROM VIETNAM AND REFUND ANY CASH DEPOSITS AND RELEASE ANY BONDS OR OTHER SECURITY FOR SHIPMENTS ENTERED OR WITHDRAWN FROM WAREHOUSE FOR CONSUMPTION PRIOR TO 04/30/2010, THE DATE OF PUBLICATION OF THE ITC'S FINAL DETERMINATION IN THE FEDERAL REGISTER (75 FR 22842).

5. FOR IMPORTS OF PRCBS FROM VIETNAM, CBP SHALL SUSPEND LIQUIDATION OF SUCH SHIPMENTS ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER 04/30/2010. EFFECTIVE 04/30/2010, CBP SHALL REQUIRE, FOR SUCH ENTRIES, A CASH DEPOSIT EQUAL TO THE SUBSIDY RATES SHOWN BELOW:

ADVANCE POLYBAG CO., LTD.

CASE NUMBER: C-552-805-001

SUBSIDY RATE: 52.56 PERCENT

FOTAI VIETNAM ENTERPRISE CORP.

CASE NUMBER: C-552-805-003

SUBSIDY RATE: 5.28 PERCENT

ALL OTHERS

CASE NUMBER: C-552-805-000

SUBSIDY RATE: 5.28 PERCENT

6. COMMERCE FOUND THAT CHIN SHENG COMPANY, LTD. RECEIVED DE MINIMIS

COUNTERAVAILABLE SUBSIDIES. ACCORDINGLY, CBP IS DIRECTED NOT TO SUSPEND LIQUIDATION FOR SHIPMENTS OF PRCBS PRODUCED AND EXPORTED BY CHIN SHENG COMPANY, LTD., CASE NUMBER: C-552-805-002. IF ANY ENTRIES OF THIS MERCHANDISE MANUFACTURED AND EXPORTED BY THIS COMPANY HAVE BEEN SUSPENDED, CBP IS DIRECTED TO LIQUIDATE WITHOUT REGARD TO COUNTERVAILING DUTIES, REFUND ALL CASH DEPOSITS, AND RELEASE ALL BONDS OR POSTED SECURITIES.

7. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT THE OFFICE OF AD/CVD OPERATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577, RESPECTIVELY (GENERATED BY O6:GC).

8. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

MICHAEL B. WALSH

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party

Case #	Rate	Party Indicator*	Party ID	Party Name
C-552-805-000	5.28%	E		ALL OTHERS
C-552-805-001	52.56%	E		ADVANCE POLYBAG CO., LTD.
C-552-805-001	52.56%	M	VNADV POL93BI N	ADVANCE POLYBAG CO., LTD.
C-552-805-002	0	E		CHIN SHENG COMPANY, LTD.
C-552-805-002	0	M		CHIN SHENG COMPANY, LTD.
C-552-805-003	5.28%	E		FOTAI VIETNAM ENTERPRISE CORP.
C-552-805-003	5.28%	M	VNFOTVIE731TH U	FOTAI VIETNAM ENTERPRISE CORP.